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Congressman Mike Pence 1134 Meridan St. Anderson, IN 46016 Phone # 765-640-2919 Fax # 765-640-2919

Authorization Sheet

DOCKET FILE COPY ORIGINAL

Date APRIL 10 2005Name SCOTT FEE C & HENSLERAddress 15 WOOD STCity, State, Zip GREENFIELD IN 46140Home Phone 317 467 1062 Work Phone 317 467 1064Social Security # [REDACTED] Date of Birth 8/14/71Agency Involved FCCNumbers Identifying Case (VA claim, Alien number, tax ID, etc.) PM 11113 PM 11114 FACILITY ID 91193Date and Place Claim was Filed FEB MARCH 2005Please describe problem in detail ATTACHEDCOVINGTONVILLE IS LOSING IT'S ONLY FAX SERVICE

In accordance with the provisions of the Privacy Act, I hereby authorize Congressman Mike Pence or a member of his staff to make the appropriate inquiry on my behalf.

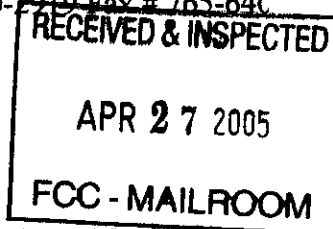
Sincerely,

(Signature)No. of Copies rec'd 0
List ABCDE

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Date APRIL 10 2005
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Address 15 WOOD ST
City, State, Zip BRENTFIELD IN 46140
Home Phone 317 467 1062 Work Phone _____
Social Security # [REDACTED] Date of Birth 10/05/1960
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HPR and ICRC would suggest the allocation of the Norwood Ohio frequency be exclusively to Morristown if the Counter Proposal is deficient for attempting to provide a Public Interest proposal.

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Again, as a party to the proceeding HPR or ICRC would agree to file an application during a window for the Norwood Ohio Allotment if the Commission decides to allow a window for applicants to file, if the ICRC and HPR proposals are removed from this proceeding.

4) HPR and ICRC are discussing an MXed application or "timeshare" for WFCI, not moving the station from it's community of License. Rodgers counsel does not understand the request is to resolve an MXed application.

WJCF is adding a new community of License which is allowed by simple notification to the Commission, but, such change cannot be accomplished without engineering changes, which are MXed to the Rodgers move to the Cincinnati, Ohio Metro area.

Rodgers Counsel acknowledges ICRC station W283AJ is a Class D FM station. Commission Rules allow a move for Class D stations and the Public Interest and benefit is demonstrated. Connersville, Indiana will retain an FM station. Rodgers Counsel does not advance a theory which would prevent this major change in a Rule Making Proceeding.

5) ICRC has demonstrated allowable spacing on Channel 262A at the proposed location. ICRC has demonstrated allowable spacing for channel 287A at Connersville. In either case, contour protection would allow each allocation to be constructed, and, the public interest benefit has been demonstrated. None of the affected stations have objected to the proposals utilizing contour protection and it has been demonstrated teh Public Interest and benefits of the proposals would continue FM service to Connersville, Indiana.

6) The changes proposed clearly provide a Public Benefit. Continuing service to Connersville, Indiana uninterrupted (and ICRC would agree to other changes to allow service to continue); providing resolution of Channel 6 interference which has been a five year continuing process; and resolving an MXed non commercial application.

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ICRC and HPR have crafted a Counter Proposal that allows Rodgers to leave Connersville Indiana with ICRC providing a replacement local FM broadcast outlet. This seems to be a common sense approach to the continued pattern of stations leaving their communities for larger cities. Rather than file opposing comments and getting local residents to oppose the move, ICRC is advancing a plan that allow Rodgers to significantly increase the value of their station (by moving it) while finding an avenue to prevent loss of service to Connersville, Indiana.

HPR and ICRC *alternatively* request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings by Rodgers Counsel were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

If the form is unconventional, the Commission should observe both the intent and the Public Interest benefit and immediately approve the Rodgers proposal and ICRC and HPR Counter Proposals to keep from discontinuing service to Connersville, Indiana. The only opponent to the ICRC and HPR Counter Proposal is Rodgers who is advancing abandoning Connersville, Indiana for a much larger service area. The HPR and ICRC Counter Proposal is in the Public Interest.

There is no record of Public Notice of the Norwood Ohio move in the Connersville community. The lack of response from the local community is because the community does not know.

Opposition To Request To Sever Or Request To Specify Severability Form

Counsel for Rodgers wishes to sever the Rodgers Rule Making from all others.

The move to remove this Rule Making from the CBC of Marion County proposals has merit and ICRC and HPR support this.

ICRC and HPR evidence removing their Counter Proposals from the process will provide a new FM station to Cincinnati, Ohio ("Norwood") to compete with 20 other stations.

ICRC and HPR believe the Commission can approve the changes requested in a one step form with a waiver of specific Commission Rules in the Rule Making Proceeding. There have been no opponents who have evidenced any defects with the ICRC and HPR proposals other than counsel for Rodgers because there is a need to hurry to leave Connersville, Indiana.

ICRC and HPR note that the extended time it will take to replace service to Connersville, Indiana if their Counter Proposal is moved to another Rule Making Proceeding will discontinue service to Connersville, Indiana for many years.

This is enough time for support of local sports (with no broadcast outlet) to drop. Enough time for the community of Connersville to be adversely affected because community events, community news, and localism will no longer be provided. The affect of this move on Connersville, Indiana has not been made evident enough. Business closings, loss of "community identity", loss of localism will be the result if their only FM service is not replaced prior to the move of WIFE FM to Cincinnati, Ohio ("Norwood"). No one in Connersville is aware their FM station is leaving town. No Public Notice, no on air indication of what will happen, nothing.

The day a Construction Permit is granted for Cincinnati, Ohio ("Norwood") is granted Connersville, Indiana will lose FM service for many years. The ICRC and HPR proposals are clearly in the Public Interest and the support of the ICRC and HPR proposals by *the Public* have been positive to support the Counter Proposals.

Due process to the Public, unaware of what is going to happen, unaware that they will wake up one day and their radios will not have local news and only static where their local station used to be, has been overlooked.

HPR and ICRC alternatively request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings by Rodgers Counsel were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

Approval of the Rodgers Rule Making, and the ICRC and HPR Counter Proposals immediately and intertwined to prevent loss of continuity of service, is in the Public Interest.

Motion To Correct Errors

Motion To Strike Rodgers and Blue Chip Filings as defective

Blue Chip did not file it's opposition on ICRC or HPR and should be stricken as defective.

Rodgers Counsel has responded in a single filing to the HPR and ICRC proposals which are both supportive of the other's respective comments in a single filing. The original reply was a single service sent in one envelope to both parties using a common mailing address. This filing was entitled simply "Comments" which did not object to the ICRC and HPR filings which were timely served on all parties. The service of this filing was adequate and timely.

The other filings by Counsel for Rodgers which were titled "Reply To Hoosier Public Radio Corporation and Indiana Community Radio Corporation" and "Reply Comments and Request To Sever" and "Reply to blue Chip Broadcasting Licenses, II Ltd" *are improper*. None of the filings address the ICRC and HPR filings or even reference the filings individually and cannot be accepted. Additionally, the filings may have been submitted to the Commission timely but were not timely served on ICRC and HPR and both jointly request additional time to respond within this Rule Making Proceeding if the untimely served comments result in denial of the ICRC and HPR Counter Proposals and loss of service to Connersville, Indiana.

ICRC submitted 2 Counter Proposals and Rodgers counsel lumps each independent proposal into a single repsonse. In addition to the WJCF channel change proposal ICRC submitted an engineering showing which is not addressed. Rodgers is hoping Commission Staff will overlook the loss of service to Connserville, Indiana and give Cincinnati, Ohio another station. The move is acceptable if service is replaced.

HPR submitted an independent Counter Proposal and engineering which has not been apparently even read by Rodgers Counsel as the responding filings by Rodgers Counsel contained errors or misrepresentations of the engineering submitted by HPR.

HPR and ICRC have advanced Commission Rules which allow each requested Counter Propsoal to be granted immediately with the Rodgers proposal and the benefit to prevent loss of service to Connersville, Indiana is clearly in the Public Interest. ICRC advances no loss of service, not one minute, to Connersville, Indiana.

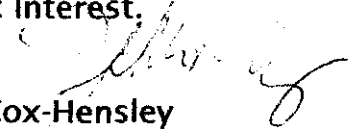
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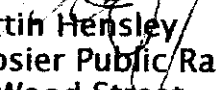
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Based on the foregoing facts the ICRC and HPR Counterproposals are in the Public Interest.



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Indiana Community Radio Corp
15 Wood Street
Greenfield, IN 46140



Martin Hensley
Hobsier Public Radio Corp
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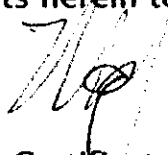
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Amendment of Section 73. 202(b) Table of Allotments, FM Broadcast
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(Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon,
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MB Docket No. 04- 17 RM- 11113 RM- 11114

This procedure is set forth in Section 1.87 of the Commission's rules.

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Hoosier Public Radio Corporation ("HPR") joins ICRC in this proceeding
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demonstrate one of the stated goals of the Report and Order : (1) first
full-time aural service to Connersville and Spiceland, Indiana and first full

time service to Whiteland, Indiana.

The Counter Proposals can be granted without adversely affecting the NPRM and provide first time Non Commercial service to the dual cities of Spiceland Indiana which has no aural service Licensed to it and Connersville, Indiana which will be left without an FM service Licensed to it as a result of the NPRM. First service for Whiteland, Indiana is also provided through the NPRM and resolution of an MXed timeshare application.

Public Notice on the move by WIFE has not been presented to the community of Connersville, Indiana .

Reply To Rodgers Opposition (Reply) (Comments)

Opposition To Removal of ICRC Proposal from Rule Making Proceeding

Summation of the Rodgers Opposition is in essence : ***"We have been trying to move our station for over a year and wish no further delays."*** In attempting to move station WIFE FM from the small rural area of Connersville Indiana to the Metropolitan Cincinnati Ohio area Rodgers Counsel misses the point of the Counter Proposals. Cincinnati has multiple FM stations with service and Connersville, Indiana has a single FM station.

Connersville, Indiana will be left without any FM service. ICRC and HPR submit an alternative.

ICRC and HPR request the Commission consider the removal of an ***institution*** in a rural community which will adversely affect the community when WIFE FM leaves Connersville, Indiana and simply 1) approve the conversion of the ICRC translator to a full power FM station to serve Connersville; 2) Approve the WJCF move to the channel WIFE FM is vacating to resolve Channel 6 issues; and 3) Allow the WJCF frequency to be used for resolution of an MXed application.

ICRC and HPR would agree the move of WIFE FM to the Cincinnati Ohio Metro and new service to Connersville, Indiana should not be delayed. ICRC and HPR agree that the Commission could waive specific Rules in the Public Interest (to prevent loss of service to Connersville, Indiana) and immediately approve the Rule Making Counter Proposal as the Public Interest and continued service are goals the Commission lauds in assigning frequency allocations.

Alternatively the Commission could approve the ICRC and HPR Counter Proposal and allow Public Comment after allowing the ICRC and HPR

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The residents of Connersville, Indiana are completely unaware their only FM service is leaving their community and no Public Notice is evident. If they knew they would not support this move. What community would? ICRC is offering another option which asks the Commission to consider the Public interest.

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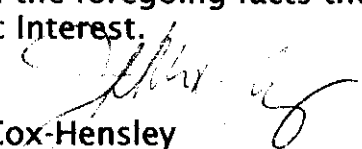
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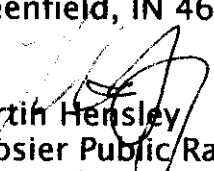
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HPR and ICRC *alternatively* request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings by Rodgers Counsel were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

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There is no record of Public Notice of the Norwood Ohio move in the Connersville community. The lack of response from the local community is because the community does not know.

Opposition To Request To Sever Or Request To Specify Severability Form

Counsel for Rodgers wishes to sever the Rodgers Rule Making from all others.

The move to remove this Rule Making from the CBC of Marion County proposals has merit and ICRC and HPR support this.

ICRC and HPR evidence removing their Counter Proposals from the process will provide a new FM station to Cincinnati, Ohio ("Norwood") to compete with 20 other stations.

ICRC and HPR believe the Commission can approve the changes requested in a one step form with a waiver of specific Commission Rules in the Rule Making Proceeding. There have been no opponents who have evidenced any defects with the ICRC and HPR proposals other than counsel for Rodgers because there is a need to hurry to leave Connersville, Indiana.

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This is enough time for support of local sports (with no broadcast outlet) to drop. Enough time for the community of Connersville to be adversely affected because community events, community news, and localism will no longer be provided. The affect of this move on Connersville, Indiana has not been made evident enough. Business closings, loss of "community identity", loss of localism will be the result if their only FM service is not replaced prior to the move of WIFE FM to Cincinnati, Ohio ("Norwood"). No one in Connersville is aware their FM station is leaving town. No Public Notice, no on air indication of what will happen, nothing.

The day a Construction Permit is granted for Cincinnati, Ohio ("Norwood") is granted Connersville, Indiana will lose FM service for many years. The ICRC and HPR proposals are clearly in the Public Interest and the support of the ICRC and HPR proposals by *the Public* have been positive to support the Counter Proposals.

Due process to the Public, unaware of what is going to happen, unaware that they will wake up one day and their radios will not have local news and only static where their local station used to be, has been overlooked.

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Approval of the Rodgers Rule Making, and the ICRC and HPR Counter Proposals immediately and intertwined to prevent loss of continuity of service, is in the Public Interest.

Motion To Correct Errors

Motion To Strike Rodgers and Blue Chip Filings as defective

Blue Chip did not file it's opposition on ICRC or HPR and should be stricken as defective.

Rodgers Counsel has responded in a single filing to the HPR and ICRC proposals which are both supportive of the other's respective comments in a single filing. The original reply was a single service sent in one envelope to both parties using a common mailing address. This filing was entitled simply "Comments" which did not object to the ICRC and HPR filings which were timely served on all parties. The service of this filing was adequate and timely.

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Conclusion

The Commission has specific Rules of the Communications Act as amended which apply 1) to all services; and 2) to specific services. In the Rule Making Process the Commission has the ability to modify class of operation and community of license where a public benefit is shown and is demonstrated to be in the public interest.

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ICRC requests the Commission allow application for Construction Permit to change its Connersville Indiana translator from a Class D FM to a Class A FM on a vacant FM channel as a non commercial service, Channel 287, to continue FM service to Connersville, Indiana. The License would also specify first time service to Spiceland, Indiana. (Dual City Licensing) This would allow continued service and no loss of FM service to Connersville when Rodgers moves to Cincinnati, Ohio ("Norwood").

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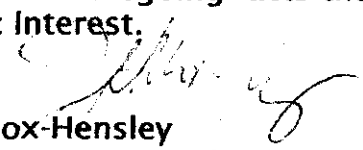
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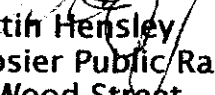
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None of the other listed parties has expressed opposition or concern of the effects of the Counter Proposal within this Rule Making Proceeding as procedurally required by the Commission. No loss of service will occur in Connersville if the ICRC and HPR Counter Proposals are granted.

Based on the foregoing facts the ICRC and HPR Counterproposals are in the Public Interest.



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Indiana Community Radio Corp
15 Wood Street
Greenfield, IN 46140



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Hobsier Public Radio Corp
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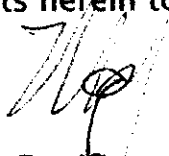
Declaration Of Jennifer Cox-Hensley

I am Jennifer Cox-Hensley. I have submitted a Counterproposal Supplement on behalf of Indiana Community Radio Corporation. I affirm under penalty of perjury that the statements herein to be true and correct.



Declaration Of Martin Hensley

I am Martin Hensley. I have submitted a Counterproposal Supplement on behalf of Hoosier Public Radio Corporation. I affirm under penalty of perjury that the statements herein to be true and correct.



Certificate of Service

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The Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW- A325, Washington, D. C. 20554 9original and 4 copies) . Additionally: Mark N. Lipp, Esq. John F. Garziglia, Esq. J. Thomas Nolan, Esq. Howard Barr, Esq. Scott Woodworth, Esq. Counsel for Washington County CBC, Inc. Counsel for Rodgers Broadcasting Corporation Elizabethtown CBC, Inc. and CBC of Marion Vinson & Elkins, LLP County, Inc. 1455 Pennsylvania Avenue, N. W. Womble Carlyle Sandridge & Rice, PLLC Washington, D. C. 20004 1401 Eye Street, N. W. Seventh Floor Washington, D. C. 20005 15. Congressman Mike Pence 2230 Rayburn HOB Washington DC 20515

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of

Amendment of Section 73. 202(b) Table of Allotments, FM Broadcast Stations.

(Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky)

MB Docket No. 04- 17 RM- 11113 RM- 11114

This procedure is set forth in Section 1.87 of the Commission's rules.

Opposition To Removal of ICRC Proposal from Rule Making Proceeding

Opposition To Request To Sever Or Request To Specify Severability Form

Informal Comments

Motion To Correct Errors

Motion To Strike Rodgers Filings as defective

Comes now Indiana Community Radio Corporation ("ICRC") and It's stations WJCF Morrisitown, Indiana and translator W283AJ Connersville, Indiana in the above noted matter. ICRC also supports the MX settlement of an existing time share application by HPR.

Hoosier Public Radio Corporation ("HPR") joins ICRC in this proceeding in responding to a filing by Counsel for Rodgers which combines responses to ICRC and HPR (as Rodgers Counsel did not respond to either Counter proposal independently (or timely) as required by Commission Rules) which are separate entities. For the pruposes of simplicity ICRC and HPR comment and respond jointly.

The Commission has requested comments and counterproposals. This filing advances the Counter Proposals of ICRC and HPR which were filed timely and are supported by Public Comments. Per Second R&O, BC Docket 80-130, FCC 82-240, 90 FCC 2d 88, 47 FR 26625, ICRC and HPR demonstrate one of the stated goals of the Report and Order : (1) first full-time aural service to Connersville and Spiceland, Indiana and first full

time service to Whiteland, Indiana.

The Counter Proposals can be granted without adversely affecting the NPRM and provide first time Non Commercial service to the dual cities of Spiceland Indiana which has no aural service Licensed to it and Connersville, Indiana which will be left without an FM service Licensed to it as a result of the NPRM. First service for Whiteland, Indiana is also provided through the NPRM and resolution of an MXed timeshare application.

Public Notice on the move by WIFE has not been presented to the community of Connersville, Indiana .

Reply To Rodgers Opposition (Reply) (Comments)

Opposition To Removal of ICRC Proposal from Rule Making Proceeding

Summation of the Rodgers Opposition is in essence : "***We have been trying to move our station for over a year and wish no further delays.***" In attempting to move station WIFE FM from the small rural area of Connersville Indiana to the Metropolitan Cincinnati Ohio area Rodgers Counsel misses the point of the Counter Proposals. Cincinnati has multiple FM stations with service and Connersville, Indiana has a single FM station.

Connersville, Indiana will be left without any FM service. ICRC and HPR submit an alternative.

ICRC and HPR request the Commission consider the removal of an ***institution*** in a rural community which will adversely affect the community when WIFE FM leaves Connersville, Indiana and simply 1) approve the conversion of the ICRC translator to a full power FM station to serve Connersville; 2) Approve the WJCF move to the channel WIFE FM is vacating to resolve Channel 6 issues; and 3) Allow the WJCF frequency to be used for resolution of an MXed application.

ICRC and HPR would agree the move of WIFE FM to the Cincinnati Ohio Metro and new service to Connersville, Indiana should not be delayed. ICRC and HPR agree that the Commission could waive specific Rules in the Public Interest (to prevent loss of service to Connersville, Indiana) and immediately approve the Rule Making Counter Proposal as the Public Interest and continued service are goals the Commission lauds in assigning frequency allocations.

Alternatively the Commission could approve the ICRC and HPR Counter Proposal and allow Public Comment after allowing the ICRC and HPR

stations to be assigned Construction Permits, without allowing opposing parties to suggest alternative assignments.

As the Commission has allowed the opportunity for parties to support the ICRC proposal it is noted ICRC has been inundated with positive support by letter and that many persons have reported filing comments supportive of the ICRC proposal.

The residents of Connersville, Indiana are completely unaware their only FM service is leaving their community and no Public Notice is evident. If they knew they would not support this move. What community would? ICRC is offering another option which asks the Commission to consider the Public interest.

1) Re the Rodgers response: ICRC and HPR have established : 1) **the Counterproposals counter leaving Connersville, Indiana without FM service**; and the current channel used by WIFE FM cannot be allocated again to Connersville due to spacing restrictions to the Cincinnati Metro signal of WIFE FM; 2) The spacing limits are allowable as ICRC has demonstrated Contour Protection for all stations with the proposals submitted and has requested a waiver of the Commission's Rules to allow service to remain in Connersville, Indiana if the Commission will not allow Contour Protection (No other Channels were found which would allow service to Connersville, Indiana to compare with the former service by WIFE FM); 3) W283AJ is requesting to add an additional community of License as is WJCF ; The HPR proposal is requesting a new City Of License to resolve an Mxed application (and HPR will suggest an alternative Channel / Community if the Commission so desires); 4) Engineering showings have been provided which demonstrate the ability of each channel to be allocated; Alternatively the Commission can request specific showings if it so desires but this process would only delay the Rule Making Proceeding, and, continuity of service to Connersville, Indiana.

2) The Commission can allow waive of it's Rules if the Changes are in the Public Interest. Rodgers is requesting to move from Connersville to the Cincinnati Metro but this move cannot be accomplished and the new station constructed unless WIFE FM is no longer in Connersville, Indiana. This move is based on the Rule Making proceeding and a new application would be submitted. Rodgers advances the theory that their own proposed move from Connersville to the Cincinnati Metro would allow interested parties to apply for the new Channel at Norwood Ohio, a desirable opportunity in the Cincinnati, Ohio Arbitron Metro.

In this context ICRC is advancing the intention to apply for a Construction Permit which would be a major modification of it's existing Construction Permit in Connersville, Indiana for W283AJ.

As Rodgers is in essence leaving Connersville, Indiana with no FM service : ICRC is simply requesting the ability to provide local service in Connersville and this requires a channel move for it's Connersville Translator. As ICRC and HPR have become a party to the proceeding it would agree to become an applicant for the Norwood Ohio allocation if Rodgers Counsel requires the ability of other parties to enter the proceeding for the new facilities.

HPR and ICRC would suggest the allocation of the Norwood Ohio frequency be exclusively to Morristown if the Counter Proposal is deficient for attempting to provide a Public Interest proposal.

3) The ICRC station W283AJ is currently in Connersville, Indiana and if the Commission could approve a Class D FM upgrade in a one step form if it believed the Public Interest required such. The Commission could also approve the WJCF channel change in a one step form if it belived the public interest was demonstrated. The HPR MX resolution can also be approved in a one step form if the Commission so allowed.

Again, as a party to the proceeding HPR or ICRC would agree to file an application during a window for the Norwood Ohio Allotment if the Commission decides to allow a window for applicants to file, if the ICRC and HPR proposals are removed from this proceeding.

4) HPR and ICRC are discussing an MXed application or "timeshare" for WFCI, not moving the station from it's community of License. Rodgers counsel does not understand the request is to resolve an MXed application.

WJCF is adding a new community of License which is allowed by simple notification to the Commission, but, such change cannot be accomplished without engineering changes, which are MXed to the Rodgers move to the Cincinnati, Ohio Metro area.

Rodgers Counsel acknowledges ICRC station W283AJ is a Class D FM station. Commission Rules allow a move for Class D stations and the Public Interest and benefit is demonstrated. Connersville, Indiana will retain an FM station. Rodgers Counsel does not advance a theory which would prevent this major change in a Rule Making Proceeding.

5) ICRC has demonstrated allowable spacing on Channel 262A at the proposed location. ICRC has demonstrated allowable spacing for channel 287A at Connersville. In either case, contour protection would allow each allocation to be constructed, and, the public interest benefit has been demonstrated. None of the affected stations have objected to the proposals utilizing contour protection and it has been demonstrated teh Public Interest and benefits of the proposals would continue FM service to Connersville, Indiana.

6) The changes proposed clearly provide a Public Benefit. Continuing service to Connersville, Indiana uninterrupted (and ICRC would agree to other changes to allow service to continue); providing resolution of Channel 6 interference which has been a five year continuing process; and resolving an MXed non commercial application.

Counsel for Rodgers fails to advance the reason for leaving Connersville Indiana and moving to the Cincinnati Ohio Metro. The resale value of the Construction Permit for "Norwood" in the Cincinnati Ohio Metro would be in the range of 10 million dollars. As a good broadcaster with debt load, sale of the station, or operation of the station in Cincinnati would increase profits for a long time broadcaster.

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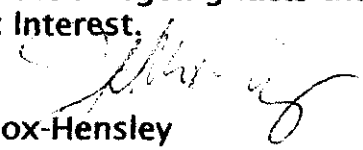
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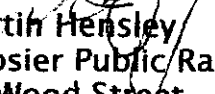
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Indiana Community Radio Corp
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Greenfield, IN 46140



Martin Hensley
Hobsier Public Radio Corp
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demonstrate one of the stated goals of the Report and Order : (1) first
full-time aural service to Connersville and Spiceland, Indiana and first full

time service to Whiteland, Indiana.

The Counter Proposals can be granted without adversely affecting the NPRM and provide first time Non Commercial service to the dual cities of Spiceland Indiana which has no aural service Licensed to it and Connersville, Indiana which will be left without an FM service Licensed to it as a result of the NPRM. First service for Whiteland, Indiana is also provided through the NPRM and resolution of an MXed timeshare application.

Public Notice on the move by WIFE has not been presented to the community of Connersville, Indiana .

Reply To Rodgers Opposition (Reply) (Comments)

Opposition To Removal of ICRC Proposal from Rule Making Proceeding

Summation of the Rodgers Opposition is in essence : "***We have been trying to move our station for over a year and wish no further delays.***" In attempting to move station WIFE FM from the small rural area of Connersville Indiana to the Metropolitan Cincinnati Ohio area Rodgers Counsel misses the point of the Counter Proposals. Cincinnati has multiple FM stations with service and Connersville, Indiana has a single FM station.

Connersville, Indiana will be left without any FM service. ICRC and HPR submit an alternative.

ICRC and HPR request the Commission consider the removal of an ***institution*** in a rural community which will adversely affect the community when WIFE FM leaves Connersville, Indiana and simply 1) approve the conversion of the ICRC translator to a full power FM station to serve Connersville; 2) Approve the WJCF move to the channel WIFE FM is vacating to resolve Channel 6 issues; and 3) Allow the WJCF frequency to be used for resolution of an MXed application.

ICRC and HPR would agree the move of WIFE FM to the Cincinnati Ohio Metro and new service to Connersville, Indiana should not be delayed. ICRC and HPR agree that the Commission could waive specific Rules in the Public Interest (to prevent loss of service to Connersville, Indiana) and immediately approve the Rule Making Counter Proposal as the Public Interest and continued service are goals the Commission lauds in assigning frequency allocations.

Alternatively the Commission could approve the ICRC and HPR Counter Proposal and allow Public Comment after allowing the ICRC and HPR

stations to be assigned Construction Permits, without allowing opposing parties to suggest alternative assignments.

As the Commission has allowed the opportunity for parties to support the ICRC proposal it is noted ICRC has been inundated with positive support by letter and that many persons have reported filing comments supportive of the ICRC proposal.

The residents of Connersville, Indiana are completely unaware their only FM service is leaving their community and no Public Notice is evident. If they knew they would not support this move. What community would? ICRC is offering another option which asks the Commission to consider the Public interest.

1) Re the Rodgers response: ICRC and HPR have established : 1) **the Counterproposals counter leaving Connersville, Indiana without FM service**; and the current channel used by WIFE FM cannot be allocated again to Connersville due to spacing restrictions to the Cincinnati Metro signal of WIFE FM; 2) The spacing limits are allowable as ICRC has demonstrated Contour Protection for all stations with the proposals submitted and has requested a waiver of the Commission's Rules to allow service to remain in Connersville, Indiana if the Commission will not allow Contour Protection (No other Channels were found which would allow service to Connersville, Indiana to compare with the former service by WIFE FM); 3) W283AJ is requesting to add an additional community of License as is WJCF ; The HPR proposal is requesting a new City Of License to resolve an Mxed application (and HPR will suggest an alternative Channel / Community if the Commission so desires); 4) Engineering showings have been provided which demonstrate the ability of each channel to be allocated; Alternatively the Commission can request specific showings if it so desires but this process would only delay the Rule Making Proceeding, and, continuity of service to Connersville, Indiana.

2) The Commission can allow waive of its Rules if the Changes are in the Public Interest. Rodgers is requesting to move from Connersville to the Cincinnati Metro but this move cannot be accomplished and the new station constructed unless WIFE FM is no longer in Connersville, Indiana. This move is based on the Rule Making proceeding and a new application would be submitted. Rodgers advances the theory that their own proposed move from Connersville to the Cincinnati Metro would allow interested parties to apply for the new Channel at Norwood Ohio, a desirable opportunity in the Cincinnati, Ohio Arbitron Metro.

In this context ICRC is advancing the intention to apply for a Construction Permit which would be a major modification of its existing Construction Permit in Connersville, Indiana for W283AJ.

As Rodgers is in essence leaving Connersville, Indiana with no FM service : ICRC is simply requesting the ability to provide local service in Connersville and this requires a channel move for it's Connersville Translator. As ICRC and HPR have become a party to the proceeding it would agree to become an applicant for the Norwood Ohio allocation if Rodgers Counsel requires the ability of other parties to enter the proceeding for the new facilities.

HPR and ICRC would suggest the allocation of the Norwood Ohio frequency be exclusively to Morristown if the Counter Proposal is deficient for attempting to provide a Public Interest proposal.

3) The ICRC station W283AJ is currently in Connersville, Indiana and if the Commission could approve a Class D FM upgrade in a one step form if it believed the Public Interest required such. The Commission could also approve the WJCF channel change in a one step form if it belived the public interest was demonstrated. The HPR MX resolution can also be approved in a one step form if the Commission so allowed.

Again, as a party to the proceeding HPR or ICRC would agree to file an application during a window for the Norwood Ohio Allotment if the Commission decides to allow a window for applicants to file, if the ICRC and HPR proposals are removed from this proceeding.

4) HPR and ICRC are discussing an MXed application or "timeshare" for WFCI, not moving the station from it's community of License. Rodgers counsel does not understand the request is to resolve an MXed application.

WJCF is adding a new community of License which is allowed by simple notification to the Commission, but, such change cannot be accomplished without engineering changes, which are MXed to the Rodgers move to the Cincinnati, Ohio Metro area.

Rodgers Counsel acknowledges ICRC station W283AJ is a Class D FM station. Commission Rules allow a move for Class D stations and the Public Interest and benefit is demonstrated. Connersville, Indiana will retain an FM station. Rodgers Counsel does not advance a theory which would prevent this major change in a Rule Making Proceeding.

5) ICRC has demonstrated allowable spacing on Channel 262A at the proposed location. ICRC has demonstrated allowable spacing for channel 287A at Connersville. In either case, contour protection would allow each allocation to be constructed, and, the public interest benefit has been demonstrated. None of the affected stations have objected to the proposals utilizing contour protection and it has been demonstrated teh Public Interest and benefits of the proposals would continue FM service to Connersville, Indiana.

6) The changes proposed clearly provide a Public Benefit. Continuing service to Connersville, Indiana uninterrupted (and ICRC would agree to other changes to allow service to continue); providing resolution of Channel 6 interference which has been a five year continuing process; and resolving an Mxed non commercial application.

Counsel for Rodgers fails to advance the reason for leaving Connersville Indiana and moving to the Cincinnati Ohio Metro. The resale value of the Construction Permit for "Norwood" in the Cincinnati Ohio Metro would be in the range of 10 million dollars. As a good broadcaster with debt load, sale of the station, or operation of the station in Cincinnati would increase profits for a long time broadcaster.

ICRC and HPR have crafted a Counter Proposal that allows Rodgers to leave Connersville Indiana with ICRC providing a replacement local FM broadcast outlet. This seems to be a common sense approach to the continued pattern of stations leaving their communities for larger cities. Rather than file opposing comments and getting local residents to oppose the move, ICRC is advancing a plan that allow Rodgers to significantly increase the value of their station (by moving it) while finding an avenue to prevent loss of service to Connersville, Indiana.

HPR and ICRC *alternatively* request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings by Rodgers Counsel were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

If the form is unconventional, the Commission should observe both the intent and the Public Interest benefit and immediately approve the Rodgers proposal and ICRC and HPR Counter Proposals to keep from discontinuing service to Connersville, Indiana. The only opponent to the ICRC and HPR Counter Proposal is Rodgers who is advancing abandoning Connersville, Indiana for a much larger service area. The HPR and ICRC Counter Proposal is in the Public Interest.

There is no record of Public Notice of the Norwood Ohio move in the Connersville community. The lack of response from the local community is because the community does not know.

Opposition To Request To Sever Or Request To Specify Severability Form

Counsel for Rodgers wishes to sever the Rodgers Rule Making from all others.

The move to remove this Rule Making from the CBC of Marion County proposals has merit and ICRC and HPR support this.

ICRC and HPR evidence removing their Counter Proposals from the process will provide a new FM station to Cincinnati, Ohio ("Norwood") to compete with 20 other stations.

ICRC and HPR believe the Commission can approve the changes requested in a one step form with a waiver of specific Commission Rules in the Rule Making Proceeding. There have been no opponents who have evidenced any defects with the ICRC and HPR proposals other than counsel for Rodgers because there is a need to hurry to leave Connersville, Indiana.

ICRC and HPR note that the extended time it will take to replace service to Connersville, Indiana if their Counter Proposal is moved to another Rule Making Proceeding will discontinue service to Connersville, Indiana for many years.

This is enough time for support of local sports (with no broadcast outlet) to drop. Enough time for the community of Connersville to be adversely affected because community events, community news, and localism will no longer be provided. The affect of this move on Connersville, Indiana has not been made evident enough. Business closings,. loss of "community identity", loss of localism will be the result if their only FM service is not replaced prior to the move of WIFE FM to Cincinnati, Ohio ("Norwood"). No one in Connersville is aware their FM station is leaving town. No Public Notice, no on air indication of what will happen, nothing.

The day a Construction Permit is granted for Cincinnati, Ohio ("Norwood") is granted Connersville, Indiana will lose FM service for many years . The ICRC and HPR proposals are clearly in the Public Interest and the support of the ICRC and HPR proposals by *the Public* have been positive to support the Counter Proposals.

Due process to the Public, unaware of what is going to happen, unaware that they will wake up one day and their radios will not have local news and only static where their local station used to be, has been overlooked.

HPR and ICRC alternatively request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings by Rodgers Counsel were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

Approval of the Rodgers Rule Making, and the ICRC and HPR Counter Proposals immediately and intertwined to prevent loss of continuity of service, is in the Public Interest.

Motion To Correct Errors

Motion To Strike Rodgers and Blue Chip Filings as defective

Blue Chip did not file it's opposition on ICRC or HPR and should be stricken as defective.

Rodgers Counsel has responded in a single filing to the HPR and ICRC proposals which are both supportive of the other's respective comments in a single filing. The original reply was a single service sent in one envelope to both parties using a common mailing address. This filing was entitled simply "Comments" which did not object to the ICRC and HPR filings which were timely served on all parties. The service of this filing was adequate and timely.

The other filings by Counsel for Rodgers which were titled "Reply To Hoosier Public Radio Corporation and Indiana Community Radio Corporation" and "Reply Comments and Request To Sever" and "Reply to blue Chip Broadcasting Licenses, II Ltd" *are improper*. None of the filings address the ICRC and HPR filings or even reference the filings individually and cannot be accepted. Additionally, the filings may have been submitted to the Commission timely but were not timely served on ICRC and HPR and both jointly request additional time to respond within this Rule Making Proceeding if the untimely served comments result in denial of the ICRC and HPR Counter Proposals and loss of service to Connersville, Indiana.

ICRC submitted 2 Counter Proposals and Rodgers counsel lumps each independent proposal into a single repsonse. In addition to the WJCF channel change proposal ICRC submitted an engineering showing which is not addressed. Rodgers is hoping Commission Staff will overlook the loss of service to Connserville, Indiana and give Cincinnati, Ohio another station. The move is acceptable if service is replaced.

HPR submitted an independent Counter Proposal and engineering which has not been apparently even read by Rodgers Counsel as the responding filings by Rodgers Counsel contained errors or misrepresentations of the engineering submitted by HPR.

HPR and ICRC have advanced Commission Rules which allow each requested Counter Propsoal to be granted immediately with the Rodgers proposal and the benefit to prevent loss of service to Connersville, Indiana is clearly in the Public Interest. ICRC advances no loss of service, not one minute, to Connersville, Indiana.

HPR and ICRC alternatively request a filing window to allow competing applicants in this proceeding to file applications for the Cincinnati, Ohio ("Norwood") facilities as advanced by Commission Rules cited by Rodgers Counsel. As the filings were untimely to ICRC and HPR allowing the advancement of this as a responding or alternative Counter Proposal is warranted and in the Public Interest.

The filings by Rodgers Counsel, and each of them, serve only to deprive Connersville, Indiana of FM service.

Approval of the Rodgers Proposal without the ICRC and HPR proposals is not in the Public Interest.

Conclusion

The Commission has specific Rules of the Communications Act as amended which apply 1) to all services; and 2) to specific services. In the Rule Making Process the Commission has the ability to modify class of operation and community of license where a public benefit is shown and is demonstrated to be in the public interest.

ICRC and HPR note their specific Counter Proposals may be unique or innovative under the Rule Making Process, but, that these proposals provide for continuation of service to Connersville, Indiana as the current Licensee, Rodgers, is abandoning Connersville, Indiana for Norwood, Ohio.

ICRC requests the Commission allow application for Construction Permit to change its Connersville Indiana translator from a Class D FM to a Class A FM on a vacant FM channel as a non commercial service, Channel 287 , to continue FM service to Connersville, Indiana. The License would also specify first time service to Spiceland, Indiana. (Dual City Licensing) This would allow continued service and no loss of FM service to Connersville when Rodgers moves to Cincinnati, Ohio ("Norwood").

ICRC requests that WJCF be allowed to apply for a Construction Permit on the soon to be vacated frequency of WIFE FM, as requested in the Counter Proposal, and to utilize the former WIFE FM frequency in Morristown, Indiana and add Whiteland, Indiana as an additional Community Of License. (Dual City Licensing) This proposal would remove WJCF from a continuing Channel 6 television interference issue which has been evidenced and is of record.

HPR requests the Commission allow it to resolve its Mxed time share application with WFCI and specify a new City Of License, a location with reduced power, and a location where line of sight to WRTV Channel 6 would allow operation on Channel 201A.


Each of the Counter Proposals advanced (ICRC and HPR) are in the Public Interest and the Public Benefit has been evidenced and clearly displayed.

Indiana Community Radio Corporation is one of a very few broadcast operations in the United States operated and headed by a female broadcaster. This move would assist ICRC in growth and expansion in a marketplace that is not open to diversity in broadcasting and where few female or minority applicants retain broadcast Licenses. As a female or minority run organization the Commission should allow waiver or exception to any restrictive Rules to allow advancement of it's Counter Proposals.

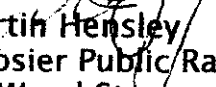
HPR PResdient Martin Hensley is legally blind and in renal failure. The role of the disabled in broadcasting is limited. Waiver or exception to the HPR proposals should be allowed in light of the advancement of the HPR Counter Proposal.

None of the other listed parties has expressed opposition or concern of the effects of the Counter Proposal within this Rule Making Proceeding as procedurally required by the Commission. No loss of service will occur in Connersville if the ICRC and HPR Counter Proposals are granted.

Based on the foregoing facts the ICRC and HPR Counterproposals are in the Public Interest.



Jennifer Cox-Hensley
Indiana Community Radio Corp
15 Wood Street
Greenfield, IN 46140



Martin Hensley
Hobsier Public Radio Corp
15 Wood Street
Greenfield, IN 46140

Declaration Of Jennifer Cox-Hensley

I am Jennifer Cox-Hensley. I have submitted a Counterproposal Supplement on behalf of Indiana Community Radio Corporation. I affirm under penalty of perjury that the statements herein to be true and correct.



Declaration Of Martin Hensley

I am Martin Hensley. I have submitted a Counterproposal Supplement on behalf of Hoosier Public Radio Corporation. I affirm under penalty of perjury that the statements herein to be true and correct.



Certificate of Service

A Copy of this Petition was mailed first class postage to :

The Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW- A325, Washington, D. C. 20554 9(original and 4 copies) . Additionally: Mark N. Lipp, Esq. John F. Garziglia, Esq. J. Thomas Nolan, Esq. Howard Barr, Esq. Scott Woodworth, Esq. Counsel for Washington County CBC, Inc. Counsel for Rodgers Broadcasting Corporation Elizabethtown CBC, Inc. and CBC of Marion Vinson & Elkins, LLP County, Inc. 1455 Pennsylvania Avenue, N. W. Womble Carlyle Sandridge & Rice, PLLC Washington, D. C. 20004 1401 Eye Street, N. W. Seventh Floor Washington, D. C. 20005 15. Congressman Mike Pence 2230 Rayburn HOB Washington DC 20515